

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE

Motion GRANTED.

BILLY W. MILLER d/b/a PINEY WOODS )  
LUMBER CO., )

Plaintiff, )

v. )

DAIRYMAN'S SUPPLY COMPANY, INC., )

Defendant, )

v. )

RANDY DRIVER, WILLIAM CARTER, )  
DALE HIX and PERFORMANCE AUTO )  
SALES, )

Third-Party Defendants. )

No. 3:10-CV-00819

Judge Trauger

Magistrate Judge Brown

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MOTION TO INTERVENE FOR THE PAYMENT OF MEDIATION FEES

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James D. Kay, Jr. (the "Petitioner") respectfully moves this Court for the entry of an order (1) allowing him to intervene in this action for the purpose of obtaining payment of his mediation fees and (2) taxing his mediation fees to Randy Driver. In support of this Motion, the Petitioner states:

1. The parties retained the Petitioner to conduct a mediation in the above-referenced case. As part of the mediation, the parties – and their counsel – executed a mediation agreement related to the payment of the Petitioner's fees and expenses.

2. On May 3, 2011, the Petitioner conducted a mediation for the parties. The case did not settle at the mediation. Following the mediation, the Petitioner